

# EXHIBIT 1

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**From:** Evan Spencer <evan@evanspencerlaw.com>  
**Sent:** Wednesday, September 25, 2024 5:06 PM  
**To:** Sarah Heaton Concannon  
**Cc:** Alex Spiro  
**Subject:** Re: FW: Activity in Case 1:22-cv-05037-AKH Johnson v. Musk et al Transmission of Notice of Appeal and Docket Sheet to USCA  
**Attachments:** [REDACTED]

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[EXTERNAL EMAIL from [evan@evanspencerlaw.com](mailto:evan@evanspencerlaw.com)]

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Dear Sarah,

I am writing in response to your email and with regards to settlement. Presently, I have around 130 clients in addition to the four named Plaintiffs. Total losses are approximately \$5 million. I have attached a report from our expert witness [REDACTED] who estimates there are approximately 7 million class members with collective losses of \$5 billion. My clients have given me authority to settle. Based upon Judge Hellerstein's 1 ½ page decision, I believe we have a reasonable chance of the reversal by the Second Circuit. They ruled against your client previously in the SEC case. If they do so in this case, I have multiple top class action firms that would like to take over the case for discovery, class certification, and trial. That could turn a \$5 million case into a \$5 billion case.

In the event your clients are not interested in settlement, please let me know what documents you would like to include in the appellate record. I believe the following are needed, but it's possible that 109, 114, and 115 are not necessary:

108 (Fourth Amended Complaint)

109 (Motion to Dismiss)

110 (Memorandum in Support)

111 (Memorandum in Opposition)

112 (Reply Memorandum)

113 (Order Granting MTD)

114 (Clerk's Judgment)

115 (Notice of Appeal)

Please let me know by Monday if you are interested in settlement and if not, what documents you would like to be part of the record. My filing deadline with the Second Circuit is October 3, 2024.

I am also available to talk Friday afternoon anytime between 2 - 4 pm since you requested to speak tomorrow or Friday.

Sincerely,

  
**EVAN SPENCER**  
Evan Spencer Law, PLLC

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New York, NY 10007

On Wed, Sep 25, 2024 at 10:46 AM Sarah Heaton Concannon <[sarahconcannon@quinnemanuel.com](mailto:sarahconcannon@quinnemanuel.com)> wrote:

Evan,

We'd like to discuss. Please let me know what times tomorrow or Friday work for you.

Thank you

Sarah

**Sarah Heaton Concannon**  
Partner and Co-Chair of SEC Enforcement Defense Practice  
**Quinn Emanuel Urquhart & Sullivan, LLP**

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**From:** [NYSD ECF Pool@nysd.uscourts.gov](mailto:NYSD_ECF_Pool@nysd.uscourts.gov) <[NYSD ECF Pool@nysd.uscourts.gov](mailto:NYSD_ECF_Pool@nysd.uscourts.gov)>  
**Sent:** Thursday, September 19, 2024 4:32 PM  
**To:** [CourtMail@nysd.uscourts.gov](mailto:CourtMail@nysd.uscourts.gov)  
**Subject:** Activity in Case 1:22-cv-05037-AKH Johnson v. Musk et al Transmission of Notice of Appeal and Docket Sheet to USCA

[EXTERNAL EMAIL from [nysd\\_ecf\\_pool@nysd.uscourts.gov](mailto:nysd_ecf_pool@nysd.uscourts.gov)]

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U.S. District Court

Southern District of New York

### Notice of Electronic Filing

The following transaction was entered on 9/19/2024 at 4:31 PM EDT and filed on 9/19/2024

**Case Name:** Johnson v. Musk et al  
**Case Number:** [1:22-cv-05037-AKH](#)  
**Filer:**  
**WARNING: CASE CLOSED on 08/30/2024**  
**Document Number:** No document attached

**Docket Text:**

**Transmission of Notice of Appeal and Certified Copy of Docket Sheet to US Court of Appeals re: [115] Notice of Appeal.(km)**

**1:22-cv-05037-AKH Notice has been electronically mailed to:**

Seth L. Levine [slevine@levinelee.com](mailto:slevine@levinelee.com), [managingclerk@levinelee.com](mailto:managingclerk@levinelee.com)

Alex Spiro [alexspiro@quinnemanuel.com](mailto:alexspiro@quinnemanuel.com), [newyorkcalendar@quinnemanuel.com](mailto:newyorkcalendar@quinnemanuel.com)

Evan Spencer [Evan@EvanSpencerEsq.com](mailto:Evan@EvanSpencerEsq.com), [evan@evanspencerlaw.com](mailto:evan@evanspencerlaw.com)

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**1:22-cv-05037-AKH Notice has been delivered by other means to:**